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March 25, 2021

**DELIVERED VIA ECF AND EMAIL**

The Honorable Katherine Polk Failla  
Failla\_NYSDChambers@nysd.uscourts.gov

**Case Title:** *McGucken v. Newsweek LLC et al.*  
**Case No.:** **1:19-cv-09617-KPF**  
**Re:** **Joint Status Update**

Your Honor:

As you know, this office represents Plaintiff Dr. Elliot McGucken ("McGucken") in the above-referenced action. We write jointly with Defendant Newsweek Digital LLC ("Newsweek") to provide a status update, pursuant to the Court's November 17, 2020 order (Dkt. #45), in advance of the pretrial conference currently scheduled for March 30, 2021 at 3:00 pm.

**I. Existing deadlines, due dates, and/or cut-off dates**

Fact discovery ended on March 16, 2021. The parties have stipulated to the following schedule for expert discovery:

Initial expert reports due 4/1,  
Rebuttal expert reports due 4/15, and  
Expert depositions completed by 4/30.

**II. Outstanding Motions**

Plaintiff intends to move for summary judgment on the issue of liability. Plaintiff intends to do so within 30 days of the close of expert discovery, April 30, 2021. Defendant intends to move for summary judgment as well within the same timeframe.

**III. Status of Discovery**

Plaintiff intends to serve its initial expert report on April 1, 2021, pursuant to the schedule that the parties stipulated to for expert discovery.

**IV. Status of Settlement Discussions**

The parties will meet and confer regarding settlement as required by the Court's individual rules.

**V. Trial**

Plaintiff requests a jury trial and the parties estimate that the trial will last for 2-4 days.

**VI. Anticipated Motions for Summary Judgment**

Plaintiff intends to move for summary judgment on the issue of liability. Plaintiff intends to do so within 30 days of the close of expert discovery, April 30, 2021. Defendant intends to move for summary judgment within the same timeframe.

**VII. Additional Issues to Address at Pretrial Conference**

There are no other issues that the parties would like to bring to the Court's attention at this time.

Respectfully submitted,

By: /s/ Scott Alan Burroughs  
Scott Alan Burroughs  
For the Plaintiff

By: /s/ Nancy Wolff  
Nancy Wolff  
For the Defendant